

No. 11-55016

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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TARLA MAKAEFF, Individually and on Behalf of All Others Similarly Situated,

Plaintiff-Counter-Defendant-Appellant,

vs.

TRUMP UNIVERSITY, LLC,

Defendant-Counter-Claimant-Appellee.

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Appeal from the United States District Court  
for the Southern District of California  
No. 3:10-cv-00940-IEG(WVG)  
The Honorable Irma E. Gonzalez

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MOTION FOR LEAVE TO EXCEED THE 7,000-WORD LIMIT FOR REPLY  
BRIEF, AND SUPPORTING DECLARATION

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Based on the attached Declaration of Eric Alan Isaacson, Appellant Tarla Makaeff respectfully requests leave to exceed the usual 7,000-word limit for her Reply Brief in this appeal, which raises important questions of constitutional law relating to whether Trump University is a public figure that must prove actual malice in order to pursue defamation claims against one of its former students.

Additional words are needed in order to address what amounts to an alternative ground for affirmance raised for the first time in the Appellee's Brief, concerning whether the district court erred in ruling that the communications at issue relate to an "issue of public interest" within the meaning of California's anti-SLAPP statute, California Code of Civil Procedure §426.16(e)(4) (*see* Appellee's Brief at 17-20), and to describe recent publications confirming that Makaeff's in fact relate to such an issue. *See* Reply Brief at 3-8, 31-34.

Makaeff accordingly seeks leave to file the accompanying 8,187 word Reply Brief.

DATED: September 27, 2011

Respectfully submitted,

ROBBINS GELLER RUDMAN  
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s/ Eric Alan Isaacson  
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## **DECLARATION OF ERIC ALAN ISAACSON**

I, ERIC ALAN ISAACSON declare and state:

1. I am a member in good standing of the bar of this Court and am the lawyer primarily responsible for prosecuting this appeal on behalf of appellant Tarla Makaeff.

2. Though I have worked with diligence to prepare a concise Reply Brief, substantial need exists to exceed the usual 7,000-word limit.

3. Despite my best efforts, the accompanying Reply Brief comes to 8,187 words.

4. Appellant Tarla Makaeff accordingly requests leave to exceed the usual 7,000-word limit for her Reply Brief in this appeal, which raises important questions of constitutional law relating to whether Trump University is a public figure that must prove actual malice in order to pursue defamation claims against one of its former students.

5. Additional words are needed in order to address what amounts to an alternative ground for affirmance raised for the first time in the Appellee's Brief, concerning whether the district court erred in ruling that the communications at issue relate to an "issue of public interest" within the meaning of California's anti-SLAPP statute, California Code of Civil Procedure §426.16(e)(4) (*see* Appellee's Brief at 17-

20), and to describe recent publications confirming that Makaeff's in fact relate to such an issue. *See* Reply Brief at 3-8, 31-34.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 27th day of September, 2011, at San Diego, California.

s/ Eric Alan Isaacson  
\_\_\_\_\_  
ERIC ALAN ISAACSON

DECLARATION OF SERVICE

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Diego, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is 655 West Broadway, Suite 1900, San Diego, California 92101.

2. I hereby certify that on September 27, 2011, I electronically filed the foregoing document: **MOTION FOR LEAVE TO EXCEED THE 7,000-WORD LIMIT FOR REPLY BRIEF, AND SUPPORTING DECLARATION** with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

3. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on September 27, 2011, at San Diego, California.

s/ Eric Alan Isaacson  
\_\_\_\_\_  
ERIC ALAN ISAACSON

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